IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 15TH SEPTEMBER 2006 / 24TH BHADRA 1928

Bail Appl..No. 5558 of 2006

CP.15/2006 of J.M.F.C., PATTAMBI
CRIME NO. 5/1999 OF PATTAMBI EXCISE RANGE

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PETITIONERS/IST ACCUSED

SOBHANA, W/O.LATE VISWANATHAN,
THANIKARA HOUSE, MUTHUTHALA AMSOM,
KODUMUNDA DESOM, OTTAPALAM TALUK.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA,
REPRESENTING EXCISE INSPECTOR,
EXCISE RANGE, PATTAMBI, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/09/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5558/2006

DATED THIS THE 15TH DAY OF SEPTEMBER,2006

O R D E R

The petitioner is before this Court, under Section 438 Cr.P.C., as she is apprehending arrest in C.P.No.15/2006, on the file of the Judicial Magistrate of First Class, Pattambi, for the offence punishable under Section 55(a) and (g) as well as 8(1) & (2) of the Abkari Act.

2. The prosecution submitted that the petitioner is the first accused and she could not be arrested at the time of the seizure of five liters of illicit arrack. The second accused was the husband of the petitioner, who is now no more, as submitted by either side.

3. Considering the facts on record, I direct the petitioner to surrender before the Judicial Magistrate of First Class, Pattambi, on the next posting date and the learned Magistrate shall allow the petitioner to be on bail, imposing such conditions, as are deemed necessary.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs